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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   LEILA MCCOY,   Case No. 2:22-cv-00566-DAD-JDP (PS)

12   Plaintiff,   **ORDER**

13   v.   DENYING PLAINTIFF'S MOTION TO
                                                APPOINT COUNSEL AND INFORMING
14   CA DEPT OF SOCIAL SERVICES, *et al.*,   PLAINTIFF THAT ANY FUTURE FILINGS
                                                NOT AUTHORIZED BY THE FEDERAL
15   Defendants.   RULES OF CIVIL OR APPELLATE
                                                PROCEDURE WILL BE DISREGARDED
16
                                                ECF No. 11
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18   On February 14, 2023, the court closed this case due to plaintiff's failure to prosecute.

19   ECF No. 9. Several months later, plaintiff filed a motion to appoint counsel and a notice of

20   change of address.[1] ECF No. 11.

21   Generally, pro se litigants do not have a right to counsel in civil actions. *Palmer v.*

22   *Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). However, the court can request an attorney represent

23   an indigent civil litigant under certain exceptional circumstances. 28 U.S.C. § 1915(e)(1) ("The

24   court may request an attorney to represent any person unable to afford counsel"); *see Agyeman v.*

25   *Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir 2004). In determining whether such

26   circumstances exist, the court must evaluate both the plaintiff's likelihood of "success on the

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28   [1] This motion was referred to the undersigned on January 10, 2024. ECF No. 12.

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merits and . . . the plaintiff's ability to articulate his claims in light of the complexity of the legal issues involved." *Agyeman*, 390 F.3d at 1103 (citation and internal quotation omitted).

Given that this action is closed, the court necessarily finds that plaintiff cannot be successful on the merits. Additionally, plaintiff is warned that the court will not respond to future filings in this action that are not authorized by the Federal Rules of Civil Procedure or the Federal Rules of Appellate Procedure.

Accordingly, it is hereby ORDERED that plaintiff's motion to appoint counsel, ECF No. 11, is denied.

IT IS SO ORDERED.

Dated: January 16, 2024   _____
                                                    JEREMY D. PETERSON
                                                    UNITED STATES MAGISTRATE JUDGE

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